



U.S. Department of Justice

Criminal Division

Fraud Section

Washington, D.C. 20530

DC SDNY
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April 21, 2022

MEMO ENDORSED

BY ECF

ED: 4/25/2022

The Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Connolly, et al.*, S1 16 CR 370 (CM)

Dear Judge McMahon:

The government's filter team writes to request that the Court unseal the transcript of prior proceedings in this matter that the Court previously ordered be sealed in relation to *Kastigar*-related concerns.

As the Court is aware, a hearing pursuant to *Kastigar v. United States*, 406 U.S. 441 (1972), was held in this matter on December 13–14, 2017 and April 24, 2018. Prior to that hearing, by way of letters to the Court on December 12, 2017 (Dkt. No. 167) and April 19, 2018 (Dkt. No. 223), the government's filter team moved to close the courtroom and seal the transcript during "any portion of the hearing at which the substance of Gavin Black's compelled testimony is discussed" Dkt. No. 167; *see also* Dkt. No. 223. The government's filter team so moved in order to preserve the then-status quo and to ensure that its trial team was not "tainted" by exposure to any of Defendant Black's compelled testimony. The Court granted this motion, and, during certain portions of the April 24, 2018 *Kastigar* hearing in which the substance of Defendant Black's compelled testimony was discussed, ordered that the courtroom be closed and the transcript of the closed proceedings be sealed. *See* Transcript of April 24, 2018 Hearing at 21, 134, & 262 (attached as Exhibit A).

The Court of Appeals having issued its Judgment Mandate on March 16, 2022 (Dkt. No. 475), ordering entry of a judgment of acquittal for Defendant Black, and the Court having entered such an order on April 21, 2022 (Dkt. No. 478), there is no longer any justification for maintaining the seal on the *Kastigar*-related proceedings in this matter. The United States therefore moves that this Court order the sealed portion of the transcript of the *Kastigar* hearing held on April 24, 2018 be unsealed.

4/25/2022

The transcript of the
Kastigar hearing is to
be unsealed in its
entirety immediately

Respectfully submitted,

/s/ Christopher D. Jackson

CHRISTOPHER D. JACKSON

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U.S. Department of Justice

CC (via ECF): Counsel for Matthew Connolly and Gavin Black